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Work integrated learning as a component of the capstone experience in undergraduate law

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Abstract

Background: The “Curriculum renewal in legal education” project has been funded by the Australian Learning and Teaching Council with the core objectives being the articulation of a set of final year curriculum design principles, and the development of a model of a transferable final year program. Through these principles and the development of the model, it is anticipated that the final year experience for law students will provide greater opportunity for them to understand the relevance of their learning, and will enhance their capacity to make decisions regarding their career path.

Discussion / Argument: This paper reports on the project’s progress to date, and presents an argument for the inclusion of work integrated learning (WIL) as a component of the final year experience in undergraduate law programs. The project has identified that the two principal objectives of capstone experiences are to provide closure and to facilitate transition to post-university life. Reflective practice and Bruner’s spiral curriculum model are the central theoretical foundations by which these objectives can be achieved. Experiential learning is also increasingly seen as an essential element of a capstone experience. WIL is consistent with the objectives of capstones in focusing on the transition to professional practice and providing opportunities for reflection. However, the ability of WIL to meet all of the objectives of capstones, particularly closure and integration, may be limited.

Conclusions / Implications: The paper posits that while WIL should be considered as a potential component of a capstone experience, educators should ensure that WIL is not equated with a capstone experience unless it is carefully designed to ensure that all of the objectives of capstones are met.

Keywords: Work-integrated learning, capstone, final year experience, law

Introduction

The authors are currently completing an ALTC funded research project which aims to improve capstone experiences in law through curriculum renewal. This paper will report on an aspect of the Project relating to the inclusion of work integrated learning (WIL) as a component of the capstone experience in undergraduate law courses. The concepts of WIL and capstone, or transition out, experiences are currently hot topics on the Australian university teaching and learning agenda, however the link between capstone experiences and WIL has not been clearly articulated. Given the connection between capstone and WIL one of the issues for the Project to address is the role of WIL in the law capstone experience.

A capstone is “a crowning course [unit] or experience coming at the end of a sequence of courses [units] with the specific objective of *integrating* a body of relatively fragmented knowledge into a unified whole” (Durel, 1993, p. 223). It is an opportunity for final year students to both look back on their undergraduate study in an effort to make sense of what they have accomplished, and also to look forward to a professional existence where they can build on that foundation. It is during the capstone experience that students transition from their identity as students into their professional identity (Durel, 1993). Given the role of capstones in facilitating transition to professional practice, there is a clear link between capstones experiences and WIL.

There have been a range of definitions of WIL provided by the literature (Abeysekera, 2006). The 2008 ALTC funded WIL Report defined WIL as: “An umbrella term for a range of approaches and strategies that integrate theory with the practice of work within a purposefully designed curriculum” (Patrick, Peach, Pocknee Webb, Fletcher & Pretto, 2008, p. iv). WIL encompasses but is not limited to work placements; it may also include other authentic experiences that have a link to industry. The key characteristics of WIL can be said to be the centrality of an authentic experience, the integration of university learning and practice, collaboration between universities, industry and students and the award of academic credit (Abeysekera, 2006). WIL is often seen as a means of developing graduate attributes and employability skills and in response to the growing demand for graduates to be “work-ready” many Australian universities have recently increased the emphasis on WIL “with the inclusion of WIL goals in institutional strategic directions and the provision of internal structures and support” (Patrick 2008, p.3).

There is no existing culture of WIL in undergraduate legal education in Australia; traditionally students complete practical legal training (either as part of a course of study at an educational institution or as part of graduate employment) after they have completed their undergraduate course. Employability skills are generally addressed during practical legal training rather than in the undergraduate course. With the emphasis on content dictated by the so-called “Priestley 11”, legal education has been slow to embed skills and graduate attributes, and WIL has played a limited role. Given the emphasis of WIL on employability skills, and the existence of post-degree practical legal training, the role of WIL in legal education is unclear.

This paper will examine the role of WIL in legal education and particularly its place as part of a capstone experience. It will suggest that the role of WIL in undergraduate law capstone experiences is primarily to aid the transition to professional practice by providing opportunities for reflection, consolidating university learning in an authentic environment and developing resilient graduates. First this paper briefly outlines the ALTC funded Curriculum Renewal in Legal Education Project. Second it provides an overview of the Project’s findings in identifying principles for capstone experiences, particularly in legal education. These findings are the result of a review of the literature and input from the Project’s reference group. Third the role of WIL as part of a law capstone experience is explored. The paper concludes that WIL should be considered as a potential component of a capstone experience.

ALTC Capstone Project

In 2009 the ALTC funded the “Curriculum renewal in legal education: articulating final year curriculum design principles and a final year program” Project which will achieve curriculum renewal for legal education through the articulation of a set of curriculum design principles for the final year and the design of a transferable model for an effective final year program. Currently the final year curriculum in most, if not all, Australian law schools is delivered in a disjointed way which is not engaging final year students in a genuine capstone experience that supports the development of their professional identity and their transition out of university. This creates substantial levels of anxiety and uncertainty amongst graduates, who often complete their studies without a sense of closure, and without an opportunity to reflect on their learning. The Project aims to address these issues by providing capstone principles and a transferable capstone model.

An expert and representative reference group for the Project has been assembled, comprising specialists who (along with two members of the Project Team, and members of our Collaborative Institution teams) make up five of the six most recent CAUT/AAUT national teaching award winners in law (Butler, Heath, Israel, Kift, and Giddings). The reference group also represents a range of institutional types (Go8 - UWA, ATN - QUT, and IRUA - Griffith). Importantly, the group also includes representation from the Australian Law Students’ Association (ALSA), the peak national representative body for Australian students of law, along with the Australian Academy of Law (AAL). The university law schools that have agreed to participate are all either currently, or have recently been, engaged in significant law curriculum renewal and are considered to be leaders in contemporary legal curriculum design. The expertise of this group will make a significant contribution to the strategic, iterative progress of the Project and its outcomes.

Capstone experience in general

The two principal objectives of capstones that can be drawn from the various definitions in the literature are closure and transition (Heinemann, 1997; Gardner, 1999, Durel, 1993). Gardner (1999) asserts that the most important elements of a final year experience are the opportunity to reflect on undergraduate learning, integration and closure, and a holistic approach to the transition to life beyond university. Reflective practice is one means of enabling students to achieve closure and transition to their post-university life.

Closure is not clearly defined in the literature and most commentators use the terms closure and integration interchangeably (for example see Heinemann, 1997; and Gardner, 1999). In our view, closure is a wider term which refers to a culminating experience assisting students to attain a sense of what it means to be a graduate of a particular discipline. Integration is one means by which that sense of closure can be achieved. In order to achieve closure, capstones should concentrate on the integration of existing knowledge and skills rather than the acquisition of new content (Bailey, Oliver & Townsend, 2007). Integration refers to the “objective of integrating a body of relatively fragmented knowledge into a unified whole” (Durel, p223). It allows students “to pull together all the ideas presented in different courses [units] and construct some sort of integrated, meaningful whole” (Heinemann, 1997). Heinemann (1997) identifies several benefits of integration. First, it enables students to make sense of the confusion caused by differences between units and academics (for example in the use of terminology). Second it is the means by which students understand what it means to be a graduate in a particular discipline. Third, only integrated knowledge is meaningful and useful and can be applied in unfamiliar situations. Finally, integration can achieve intellectual consolidation and can allow for competence testing.

Capstone courses allow students to experience the complexity of their discipline, providing an opportunity to synthesise their undergraduate learning (Hovorka, 2009). A capstone course should be a culminating experience in which students are asked to integrate, extend, critique and apply the knowledge and skills they have acquired in their undergraduate study (Hoffman, 2003; Myers & Richmond, 1998; Wagenaar, 1993). It may be the only course within an undergraduate program that traverses the breadth of the curriculum, adding depth and meaning to concepts and ideas previously introduced, and encouraging students to use this synthesised knowledge to consider their future.

In addition to providing closure, capstones support and facilitate transitions (Gardner & Van der Veer, 1998) and bridge the gap between university study to new endeavours (Heinemann, 2007). Comparisons have been made between the transition from high school to university and from university to professional practice (Jervis & Hartley, 2005; Wells, Kift & Field, 2008). It is during the capstone experience that students transition from their identity as students into their professional identity (Durel, 1993). The concept of transition naturally leads to career preparation and professional development (Jervis & Hartley, 2005).

There is some tension between meeting the two sometimes opposing objectives of closure and transition (Heinemann, 2007). This is exacerbated by the tendency of most commentators to focus on capstone units rather than the holistic capstone experience which may take place across a number of units of study. Existing capstone units currently may focus on either closure (and integration) or transition (Heinemann, 2007) rather than seeking to balance the two objectives. A further complication is that much of the literature in the US refers to capstones in majors rather than to capstones for an entire course. Arguably, a capstone for a major may more readily achieve closure, the focus being on bringing together the various elements of the course, whereas a capstone for a whole course may more readily focus on transition.

Reflective practice is a central theoretical foundation for the design of capstone units (Kift et al 2008) because it enables students to achieve closure on their undergraduate learning and to transition to post-university life. Students need to be provided with opportunities to consider and reflect on what they have learned, and to discuss the ways in which their knowledge could be used in a professional context (Dunlap, 2005). Reflection assists students to integrate what they have learned with existing knowledge (Dunlap, 2005). Reflection fosters both personal and professional development (Olsen, Weber & Trimble, 2002), and contributes to the acquisition and refinement of higher order cognitive skills, including critical thinking (Forde, 2006). Baker (1997) argues that capstone experiences must allow students to critically reflect on their prior learning. A reflective component also serves to reinforce a student's sense of accomplishment. In order to facilitate integrative learning, the capstone must encourage reflection and interpretation (Fernandez, 2006).

The role of reflective practice is not however simply to assist with the integration of prior learning and the refinement of critical thinking skills. Reflective practice also includes personal reflection, with the potential for personal transformation, which has the purpose of promoting self awareness and instilling a sense of citizenship (Hovorka, 2010). Self reflection is essential for law students in order for them to develop as ethical, socially responsible practitioners (McNamara, Field and Brown, 2009). Personal self reflection is essential to the successful transition to professional practice.

Reflective practice should therefore be a key component of any capstone experience (Hovorka, 2009). To promote reflective practice, capstones should include in-class discussions or other learning and teaching opportunities that encourage reflection on key discipline knowledge; personal learning and decision making; and future planning and decision making (Dunlap, 2005).

While closure, transition and reflection are the keys to the capstone experience itself, it is also important to conceptualise the capstone as part of the whole curriculum. In this regard, Bruner's concept of the 'spiral curriculum' provides a particularly useful conceptual basis. Bruner (1960, 17) states that '[l]earning should not only take us somewhere, it should allow us later to go further more easily'. He advocates for enquiry based learning, and argues that the fundamental principles must be learnt first, and revisited later throughout the curriculum and built upon (General Teaching Council for England, 2006). This notion that the curriculum will 'revisit previously learnt material and extend it in some way' is known as the spiral curriculum approach (Bailey et al, 2007, citing Bruner, 1969, 1966). The spiral curriculum supports students in achieving an holistic sense of their studies, by "enhancing the knowledge and skills they have acquired in previous classes" (Sargent et al, 2003, 2). It also illustrates how the structure of a capstone unit must be unique within a degree, in that the focus is on synthesis and integration as opposed to new conceptual learning, although as Heinemann (1997, 4-5) insists, there might be some introduction of "entirely new theoretical material" to facilitate this. In order to use the concept of a spiral curriculum effectively, a constructivist approach is required which ensures that previous learning is integrated into a whole which then creates for students a sense of completeness (Bailey et al, 2007, 68). By facilitating particular achievement of the final year experience objectives of closure, the spiral curriculum provides a possible framework and a strong basis from which transition from university to the work place can also be supported. Reflection can also be weaved effectively into the spiral.

Capstone experience in law

Despite the importance of capstones, the 2008 AUSSE Report stated that only 1.2% of tertiary students in Australia identify as having had a 'capstone experience' to their university course (ACER, 2008, 16). This evidences that the final year is an under-developed component of higher education curricula generally in Australia. In law, in particular, the final year curriculum is designed and delivered in an ad hoc fashion without a solid theoretical foundation, and without guiding curriculum design principles. An audit of current legal education curricula in 2008 showed that only 19 of a total 45 relevant institutions of higher education in Australia offered some form of 'capstone' unit or program in any of their course offerings, and only one Australian law school had an explicitly named 'capstone unit' (Kift et al, 2008). Australian law schools are failing to intentionally bookend their efforts in first year program innovation with an effective final year experience (Wells et al, 2008). As a consequence, law graduates enter practice without an adequate understanding of their ethical, professional and service obligations. There is, therefore, an urgent need for curriculum renewal in the final year of legal education in Australia.

Currently, the final year law curriculum is delivered in a disjointed way. That is, students undertake core subjects and a selection of elective subjects which are not integrated; therefore, their knowledge and skills bases are fragmented. As a result, final year law students leave the university without a coherent whole-of-course concept, and without an understanding of the 'big-picture' (Kerka, 2001). For this reason, law schools are being challenged by lawyers, law students and graduates 'to assume greater responsibility for preparing students to practice law upon graduation, rather than simply preparing students to learn to practice law after graduation' (Trail & Underwood, 1996, 202).

Findings of the Project to date

The Project team held a meeting of the reference group in February and subsequently consolidated the discussion through the online Project SharePoint site. At the online discussion stage the reference group was asked to provide input in relation to a number of questions:

- What is your vision for the Project?

- What will ensure a successful capstone experience in law?
- What will ensure that a capstone experience, once implemented, is sustainable?
- What are the implications for the Project of the different law school contexts?
- What should be the final year learning outcomes for law students? How can we use this to inform the principles and model development?
- What factors need to be considered in designing assessment of a capstone experience?
- What examples do you have of successful capstone experiences that could inform the Project?

The resulting discussion contributed to the definition of a capstone experience in law; and the implementation of a capstone experience. It suggested that the design of a model or “toolkit” for capstone experiences should be transferable between law schools that have diverse contexts and missions. Favourable conditions that would be expected to exist in order to successfully implement a capstone experience should be identified including the need to adopt a whole of curriculum approach; the need to provide for integration (closure) and transition and the need to adopt learning approaches and assessment particularly suited to the capstone. This paper focuses on parts of the discussion which concerned the definition of a capstone experience, the objectives of closure and transition, and teaching and learning approaches.

At the outset, the reference group reached agreement that the Project should work towards developing principles and a model for a “capstone experience” rather than a capstone ‘unit’, a ‘final year’ experience, or a ‘transition out’. The focus is on the holistic experience which may be in the form of a single unit, a suite of units or a series of alternative modules integrated into existing units. The particular form of experience adopted by different law schools will depend on their individual mission and context. Accordingly, WIL may have a greater role in the overall capstone experience in law schools that emphasise a real world connection in their mission statements.

In relation to closure, initial discussions of the reference group focussed on providing a foundation for the development of professional identity, synthesis of knowledge and skills, the identification of knowledge gaps and areas for future development; and the provision of a culminating experience. The group emphasised the importance of synthesising knowledge and bringing together the different content areas of law in a holistic way so that it can be applied in practice in order to solve complex real world problems.

In transitioning students to professional practice, the reference group suggested that law schools should prepare students for the realities of legal practice, and in that regard the development of lifelong learning skills and resilience are important issues. Enabling students to enhance their legal skills and competencies was also seen to be an important aspect of transition.

While the reference group acknowledged the importance of preparing students for professional practice, they were also concerned that the range of different career destinations of legal graduates should also be taken into account. In this sense, students are not just transitioning to legal practice or other particular legal careers but into their role as citizens in the global human community. This is consistent with the literature relating to geography capstones (eg Hovorka, 2009) and sociology capstones (Durel, 2005) which are concerned with academic experiences that are “valuable for citizenship in the human community” (Hovorka, 2010, 253).

A number of teaching and learning approaches appropriate to the capstone were considered by the reference group. Agreement was reached that student agency and reflective practice, should be a central features of any capstone experience. Other features that might be included are individual student negotiated learning contracts; an initial reflective exercise that enables students to identify what their own unique capstone experience could/should entail, involving students in the design of assessment tasks and a curriculum design approach that encourages creativity, project management, reflection, and self-management. Consideration should also be given to how technology can be used to support curriculum design and delivery in the final year of law. It was also suggested that a capstone experience should have a tangible end product for students (such as a portfolio).

Importance of WIL to capstone experience in law

Some of the objectives of capstones identified by the Project reference group and literature review can be achieved through a carefully designed WIL unit. Pedagogical literature from a range of disciplines suggests that capstone experiences may include WIL in any number of forms, including internships, research projects, study abroad programs, theses, specialist seminars, and field trips (Hovorka, 2009), thus catering to a range of individual learning styles (Bailey, et al., 2007; Gardner, 1999) and providing experiential learning opportunities

which are increasingly seen as an element of capstones (Kerka, 2001, Andreasen & Wu, 1999). One of the aims of WIL is to assist students to prepare for professional practice, which is also a significant part of the transition objective of capstone experiences as identified by both the literature and the Project reference group. Specific to law, studies indicate that there is strong demand from students, who are keen to join the profession, for experiential learning and for classes emphasising legal practice (see Rhode, 2000, for example, cited in Eckmann, 2004).

A university education must engage students, and prepare them for the demands that will be placed on them when they enter the world of work, and well-designed capstone courses should contribute markedly to the development of a relevant professional identity (Bailey, et al., 2007). Capstones need to highlight the real-world relevance of what has been learned in the classroom, and should provide students with the opportunity to apply that knowledge in real or life-like context, drawing on the experiences of those already practicing in the field (Reid & Miller, 1997).

Capstone programs are a means of bridging the theory-practice divide (Bailey, et al., 2007) – that is, they seek to draw parallels between classroom learning and the application of that learning in the modern workplace. To prepare for professional practice, students need to be confident in their ability to perform, and the capstone experience should develop this confidence (Dunlap, 2005). Educators have a moral obligation to prepare students success beyond their undergraduate degree (Gardner, 1999). Students need to consider how their academic program has prepared them for the future, whatever that entails.

Some authors have suggested that WIL includes capstones (Coll et al 2009), however that does not fully appreciate the role of capstone which goes beyond the objectives of WIL, particularly in achieving the integration of the whole of course experience. We suggest the better view is that WIL, particularly in relation to preparation for the transition to professional practice (Orell, 2004), might be one part of a capstone experience.

One common type of WIL referred to in the capstone literature is a work placement or internship. For example, Gibala and Stuhldreher (2001) describe an internship capstone experience for community health students. The experience involves a 12 week placement culminating in a major project that demonstrates entry level professional skills. With its emphasis on reflection and preparing students for professional practice, WIL in the form of an internship may be an ideal way of facilitating transition. However there may be some limitations to internships as capstone experiences. First, assuming the capstone experience is to be available to all students, there is the practical difficulty of finding internships for sufficient numbers of students. While models for scaling up student numbers in internships have been suggested (McNamara, 2009), these models can still not guarantee a placement opportunity for all students. Second, the internship experience may not adequately assist students to achieve closure on their university study. Given the type of work undertaken or, if a research project is involved, the nature of the project, will vary between different placements and may not be controlled by the academic supervisor, it is not possible to ensure that a wide range of different legal content areas or even legal skills are covered.

Given these limitations it is suggested that if WIL units are designed as part of a capstone experience they must ensure opportunities are provided to achieve closure as well as transition. If both objectives can not be achieved in a single unit, a second companion capstone unit should be included. Further authentic experiences other than work placements should be offered so that all students can have the opportunity of participating in WIL. Authentic WIL learning opportunities that might be offered include problem based learning, computer simulations (Fairchild & Taylor, 2000) case analysis and role plays (Kerka, 2001).

Conclusion

The literature reveals that the two principal objectives of a capstone experience are transition and closure and that reflective practice, in conjunction with Bruner's spiral curriculum model, are the central theoretical foundations by which these objectives can be achieved. Experiential learning is also increasingly seen as an essential element of capstones. This paper has argued that some of the objectives of capstones identified by both the literature and the Project reference group can be achieved through a carefully designed WIL unit. WIL focuses on the transition to professional practice and provides opportunities for reflection. However, the ability of WIL to provide closure on undergraduate education may be limited where the experiential component of WIL depends on a work experience which is not controlled by the University. Given the overlap between the objectives of capstones and WIL, WIL should be considered as a potential component of a capstone experience. However educators should be careful that WIL is not equated with a capstone experience unless it is carefully designed to ensure that all of the objectives of capstones are met.

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